

Article - Environment

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§15–612.

(a) (1) After receiving notification that an application for a permit has been approved, but before commencing deep mining operations, the operator shall file a bond with the Department.

(2) Before commencing operations on an additional opening not included in the original bond made in the application for a permit, the operator shall post an additional bond or deposit. The operator also shall submit additional information that would have been required to be included with the original application for a permit. On receipt of the additional bond or deposit and the additional material, the Secretary may issue an amended permit covering any additional opening covered by the additional bond.

(b) The bond shall be on a form prescribed and furnished by the Department, payable to the State of Maryland, and conditioned on faithful performance of the requirements of this subtitle by the operator.

(c) The amount of the bond shall be equal to the amount the Department determines to be the cost of reclamation of the affected area. Liability under the bond shall be for the duration of the mining operation, and for a period of five years after the mine has been completed, provided that a bond may not be fully released until all requirements of this subtitle, regulations adopted in accordance with this subtitle, and permit conditions have been met.

(d) The bond shall be executed by the operator and by a corporate surety approved by the Department.

(e) (1) The operator may elect to deposit cash, a certificate of deposit from a bank that is physically located in the State or that otherwise subjects itself to the jurisdiction of the U.S. District Court for the District of Maryland, or negotiable bonds of the United States government with the Department in lieu of a corporate surety. The cash deposit or market value of the securities may not be less than the required sum of the bond.

(2) On receipt of any deposit of cash or securities, the Secretary immediately shall forward it to the State Treasurer, who shall receive and hold it in the name of the State in trust for the purpose for which the deposit is made.

(3) The operator making the deposit may demand and receive from the State Treasurer the whole or any portion of any securities so deposited, on depositing with the State Treasurer other negotiable securities of the classes specified in this section having a market value at least equal to the required sum of the bond.

(f) On submission of the annual progress report required by § 15-615 of this subtitle, the Secretary may adjust the amount of the bond or security required from the operator to assure completion of reclamation work.

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